

MINUTES OF THE NHSLC
BUREAU OF ENFORCEMENT & LICENSING AGENDA FOR
WEDNESDAY, FEBRUARY 18, 2009

1. SUSPENSIONS:

a. Action Pending:

None

b. Licensees Suspended For Non-Payment of Fines:

None

c. Licensees Suspended For Non-Compliance of RSA 178:2 (Mandatory training within 45 calendar days of the issuance of liquor license):

None

2. LICENSEES WHO MAY BE ORDERED TO A HEARING:

None

3. HEARINGS SCHEDULED FOR WEDNESDAY, FEBRUARY 18, 2009:

None

4. HEARINGS SCHEDULED:

a. March 3, 2009 @ 9:30 a.m.
NHSLC - Robert J. Hart Building, 50 Storrs Street, Concord, NH.
Chen Yang Li, 520 South Street, Bow, NH.
Restaurant Full Service With Lounge License #1233303.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.
Cited for violation of RSA 179:50, I - did allow a person to loiter on the premises who was intoxicated or disorderly or who loitered for any illegal purpose.
Date of violations: August 13, 2008.
Case #: 08-581-OF.
LICENSEE'S MOTION TO CONTINUE GRANTED ON FEBRUARY 11, 2009.

5. HEARINGS WITH DATES TO BE DETERMINED:

a. McGarvey's, 1097 Elm Street, Manchester, NH.
Restaurant Full Service With Lounge License #1178903.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.
Date of violation: August 29, 2008.
Case #: 08-616-OF.

6. WARNING LETTERS/FINES:

- a. Paddy's An American Grille, 27 International Drive, Portsmouth, NH.
Restaurant Full Service With Lounge License #1190803.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:35 - failed to make invoices, sales slips and delivery slips, current and covering a period of sixty (60) days prior to the current date pertaining to purchases of beverages and liquor on the premises or be readily available for examination by the Commission or its liquor investigators.
Date of violation: October 21, 2008.
Case #: 08-732-OF.
Recommendation: \$250 Administrative fine.
COMMISSION APPROVED.
- b. Super Wok, 25 Orchard View Drive, Londonderry, NH.
Restaurant Beverage and Liquor License #428003.
Licensed under RSA 178:21, II(a)(1).
Cited for violation of RSA 179:5, I - did sell alcoholic beverage to an underage person (6 counts).
Cited for violation of RSA 179:8, I - did fail to require the purchaser whose age was in question to furnish identification that such person was 21 years of age or over.
Date of violations: November 23, 2008.
Case #: 08-818-OF.
Recommendation: \$100 Administrative fine for violation of RSA 179:8, \$1,500 Administrative fine for violation of RSA 179:5, I, four (4) points assessed to the liquor license, a 3-day suspension of liquor license commencing February 23, 2009 with re-grant on February 26, 2009 and mandatory attendance at a Total Education of Alcohol Management (TEAM) seminar within thirty (30) days of adjudication for all managers and servers.
COMMISSION APPROVED.
- c. Tori's Lighthouse, 3381 Province Lake Road, East Wakefield, NH.
Restaurant Full Service With Lounge License #1336803.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:23, V - allowed a convicted felon to operate the business following the Commission's denial for a felony waiver.
Date of violation: September 27, 2008.
Case #: 08-695-OF.
Recommendation: Verbal Warning.
COMMISSION APPROVED.
- d. VFW Post 3041, 259 Main Street, Lancaster, NH.
Veterans Club License #26539.
Licensed under RSA 178:22, V(h).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.
Date of violation: January 10, 2008.
Case #: 08-730-OF.
Recommendation: \$1,000 Administrative fine, four (4) points assessed to the liquor license, a five (5) day suspension of liquor license with two (2) days held in abeyance for twelve (12) months pending no like violation to commence February 24, 2009 with re-grant on February 27, 2009 and mandatory attendance at a Total Education of Alcohol Management (TEAM) seminar within thirty (30) days of adjudication for all servers and managers on duty at the time the violation occurred.
COMMISSION APPROVED.

February 18, 2009 Enforcement Minutes

- e. Wally & Bernie's, 20 Old Granite Street, Manchester, NH.
Restaurant Full Service With Lounge License #1359203.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.
Date of violation: October 19, 2008.
Case #: 08-756-OF.
Recommendation: \$1,000 Administrative fine with \$500 held in abeyance for twelve (12) months pending no like violation, four (4) points assessed to the liquor license, a three (3) day suspension of liquor license held in abeyance for twelve (12) months pending no like violation, and mandatory attendance at a Total Education of Alcohol Management (TEAM) seminar within thirty (30) days of adjudication for all servers and managers on duty at the time the violation occurred.
COMMISSION APPROVED.

7. NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL:

- a. American Legion Post 3, 11 Court Street, Nashua, NH.
Veteran's Club License #15739.
Licensed under RSA 178:22, V(h).
Cited for violation of Liq. 704.01(b)(6) - did fail to renew liquor license at least 30 days prior to expiration of the current license.
Date of violation: February 3, 2009.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED.
- b. American Legion Post 3, 11 Court Street, Nashua, NH.
Veteran's Club License #15739.
Licensed under RSA 178:22, V(h).
Cited for violation of RSA 178:22, V(h)/501.06 - did fail to restrict access to the licensed premise.
Date of violation: February 11, 2009.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED.
- c. Arborbrook Vineyards, 17770 Northeast Calkins Lane, Newberg, OR.
Direct Shipper License #8122033.
Licensed under RSA 178:27.
Cited for violation of RSA 178:27, V - did fail to file the November 2008 Direct Shipper Report by December 10, 2008.
Date of violation: December 29, 2008.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED.
- d. Concord Farm, 188 Pleasant Street, Concord, NH.
Combination License #3202147.
Licensed under RSA 178:18.
Compliance Check: January 24, 2009.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED.
- e. Conti Estate/Charles B. Mitc, 8221 Stoney Creek Road, Fair Play, CA.
Direct Shipper License #9119033.
Licensed under RSA 178:27.
Cited for violation of RSA 178:27, V - did fail to file the November 2008 Direct Shipper Report by December 10, 2008.
Date of violation: December 29, 2008.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED.

February 18, 2009 Enforcement Minutes

- f. Cumberland Farms, 417 South Main Street, Concord, NH.
Combination License #3137247.
Licensed under RSA 178:18.
Compliance Check: January 24, 2009.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED.
- g. Dutch Treat Restaurant, Main Street, Franconia, NH.
Restaurant Full Service With Lounge License #235003.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 179:50, I - did allow an intoxicated person to loiter on the premise.
Date of violation: December 27, 2008.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED.
- h. Horse Stop, 106 Route 13, Brookline, NH.
Restaurant Beverage and Wine License #1358203.
Licensed under RSA 178:20.
Cited for violation of RSA 179:32, I - did purchase alcohol from other than a licensed wholesale distributor.
Date of violation: September 18, 2008.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED.
- i. Horse Stop, 106 Route 13, Brookline, NH.
Restaurant Beverage and Wine License #1358203.
Licensed under RSA 178:20.
Cited for violation of RSA 178:20/Liq. 503.04 - did fail to have food readily available for preparing, cooking and service to the public.
Date of violation: January 15, 2009.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED.
- j. Loyal Order of Moose, 170 North State Street, Concord, NH.
Social Club License #14101.
Licensed under RSA 178:22, V(h).
Cited for violation of RSA 178:22, V(h)/Liq. 501.06 - did fail to restrict access to the licensed premise.
Date of violation: February 1, 2009.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED.
- k. Lee Wah Restaurant, 118 Whittier Highway, Moultonborough, NH.
Full Service Restaurant License #1095903.
Licensed under RSA 178:21, II(a).
Cited for violation of RSA 179:32 - did fail to purchase alcohol supplies at the liquor store under liquor license.
Cited for violation of RSA 179:35 - did fail to retain invoices on the premise and have them readily available for examination by the Commission.
Cited for violation of RSA 179:40 - did refill bottles of legally purchased alcoholic beverage.
Date of violations: January 16, 2009.
ADMINISTRATIVE FINE \$750 PAID.
COMMISSION APPROVED.
- l. Meriden Deli Mart, 809 Route 120, Meriden, NH.
Combination License #3142747.
Licensed under RSA 178:18.
Cited for violation of RSA 179:35 - did fail to retain invoices on the premise and have them readily available for examination by the Commission.
Date of violation: January 20, 2009.
ADMINISTRATIVE FINE \$750 PAID.
COMMISSION APPROVED.

February 18, 2009 Enforcement Minutes

- m. Nashua Elks Lodge 720, 120 Daniel Webster Highway, Nashua, NH.
Social Club License #11601.
Licensed under RSA 178:22, V(h).
Cited for violation of RSA 178:22, V(h)/Liq. 501.06 - did fail to restrict access to the licensed premise.
Date of violation: February 1, 2009.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED.
- n. New Campus Convenience, 32 Main Street, Durham, NH.
Combination License #3229147.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check: January 30, 2009.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED.
- o. O'Brien's General Store, Route 107, Seabrook, NH.
Combination License #681147.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check: January 16, 2009.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED.
- p. Pal's Pub, 542 C Lafayette Road, Seabrook, NH.
Restaurant Full Service With Lounge License #445503.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 179:5, I.
Compliance Check: January 16, 2009
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED.
- q. Pedras Wine Company, 5055 Soland Avenue, Napa, CA.
Direct Shipper License #8135133.
Licensed under RSA 178:27.
Cited for violation of RSA 178:27, V - did fail to file the November 2008 Direct Shipper Report by December 10, 2008.
Date of violation: December 29, 2008.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED.
- r. Pelham Street Blackwater Grill, 43 Pelham Road, Salem, NH.
Combination License #1308303.
Licensed under RSA 178:18.
Cited for violation of Liq. 704.01(b)(6) - did fail to renew liquor license at least 30 days prior to expiration of the current license.
Date of violation: January 5, 2009.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED.
- s. Penuche's Ale House, 91 Marlboro Street, Keene, NH.
Restaurant Beverage and Wine License #440103.
Licensed under RSA 178:20.
Cited for violation of RSA 178:20/Liq. 503.04 - did fail to have food readily available for preparing, cooking and service to the public.
Date of violation: January 15, 2009.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED.
- t. Red Parka Pub, Route 302, Bartlett, NH.
Restaurant Full Service With Lounge License #301503.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 179:51 - did fail to conduct the premise in an orderly manner.
Date of violation: January 30, 2009.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED.

February 18, 2009 Enforcement Minutes

- u. Seacoast One-Stop, 265 Lafayette Road, Seabrook, NH.
Combination License #3226547.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check: January 16, 2009.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED.
- v. Seasons Tickets Sport Pub, 554 Front Street, Manchester, NH.
Restaurant Full Service With Lounge License #1308003.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 179:40 - did refill bottles of legally purchased alcoholic beverage.
Date of violation: January 9, 2009.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED.
- w. South Street Market of Concord, 47 South Street, Concord, NH.
Combination License #58947.
Licensed under RSA 178:18.
Compliance Check: January 24, 2009.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED.
- x. Tobacco Depot, 167 Lafayette Road, Seabrook, NH.
Combination License #3187947.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check: January 16, 2009.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED.

NON-CONTESTED TOBACCO FINES PAID IN FULL:

- a. Captain's Corner, 727 Manhattan Avenue, Nashua, NH.
Tobacco License #8421.
Licensed under RSA 126-K:4.
Cited for violation of RSA 126-K:4.
Compliance Check: January 24, 2009.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED.
- b. CVS Pharmacy 841, 4 Hall Street, Concord, NH.
Tobacco License #8058.
Licensed under RSA 126-K:4.
Cited for violation of RSA 126-K:4.
Compliance Check: January 31, 2009.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED.
- c. CVS Pharmacy #723, 633 Amherst Street, Nashua, NH.
Tobacco License #4743.
Licensed under RSA 126-K:4.
Cited for violation of RSA 126-K:4.
Compliance Check: January 24, 2009.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED.
- d. Food Basket, 72A Washington Street, Concord, NH.
Tobacco License #7007.
Licensed under RSA 126-K:4.
Cited for violation of RSA 126-K:4.
Compliance Check: January 31, 2009.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED.

February 18, 2009 Enforcement Minutes

- e. Fotene's Market, 717 West Hollis Street, Nashua, NH.
Tobacco License #3696.
Licensed under RSA 126-K:4.
Cited for violation of RSA 126-K:4.
Compliance Check: January 24, 2009.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED.
- f. Fred's Kwik Stop & Deli, 15 Manchester Street, Concord, NH.
Tobacco License #6689.
Licensed under RSA 126-K:4.
Cited for violation of RSA 126-K:4.
Compliance Check: January 31, 2009.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED.
- g. Gate City Convenience, 45 Lowell Street, Nashua, NH.
Tobacco License #7863.
Licensed under RSA 126-K:4.
Cited for violation of RSA 126-K:4.
Compliance Check: January 24, 2009.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED.
- h. Golden Dragon Restaurant, 300 Main Street, Nashua, NH.
Tobacco License #8423.
Licensed under RSA 126-K:4.
Cited for violation of RSA 126-K:4.
Compliance Check: January 24, 2009.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED.
- i. H Daw Service Station, 235 Amherst Street, Nashua, NH.
Tobacco License #3772.
Licensed under RSA 126-K:4.
Cited for violation of RSA 126-K:4.
Compliance Check: January 24, 2009.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED.
- j. Kirkpatrick's Corner, 125 Concord Street, Nashua, NH.
Tobacco License #7192.
Licensed under RSA 126-K:4.
Cited for violation of RSA 126-K:4.
Compliance Check: January 24, 2009.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED.
- k. Market Basket 43, 375 Amherst Street, Nashua, NH.
Tobacco License #4558.
Licensed under RSA 126-K:4.
Cited for violation of RSA 126-K:4.
Compliance Check: January 24, 2009.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED.
- l. Nashua Getty, 485 Amherst Street, Nashua, NH.
Tobacco License #7865.
Licensed under RSA 126-K:4.
Cited for violation of RSA 126-K:4.
Compliance Check: January 24, 2009.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED.

February 18, 2009 Enforcement Minutes

- m. Nashua Shell, 620 Amherst Street, Nashua, NH.
Tobacco License #8366.
Licensed under RSA 126-K:4.
Cited for violation of RSA 126-K:4.
Compliance Check: January 24, 2009.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED.
- n. Quality Cash Market, 11 Eastman Street, Concord, NH.
Tobacco License #7718.
Licensed under RSA 126-K:4.
Cited for violation of RSA 126-K:4.
Compliance Check: January 31, 2009.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED.
- o. Rickdale Convenience Store, 495 Amherst Street, Nashua, NH.
Tobacco License #4538.
Licensed under RSA 126-K:4.
Cited for violation of RSA 126-K:4.
Compliance Check: January 24, 2009.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED.
- p. Super Shell Foodmart, 7 Harris Road, Nashua, NH.
Tobacco License #6757.
Licensed under RSA 126-K:4.
Cited for violation of RSA 126-K:4.
Compliance Check: January 24, 2009.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED.
- q. Verc Nashua Exxon, 242 Daniel Webster Highway, Nashua, NH.
Tobacco License #6318.
Licensed under RSA 126-K:4.
Cited for violation of RSA 126-K:4.
Compliance Check: January 24, 2009.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED.
- r. Walgreens 11505, 217 Daniel Webster Highway, Nashua, NH.
Tobacco License #8100.
Licensed under RSA 126-K:4.
Cited for violation of RSA 126-K:4.
Compliance Check: January 24, 2009.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED.
- s. Walgreens 11376, 142 Loudon Road, Concord, NH.
Tobacco License #8317.
Licensed under RSA 126-K:4.
Cited for violation of RSA 126-K:4.
Compliance Check: January 24, 2009.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED.
- t. Wal-Mart Supercenter 2055, 344 Loudon Road, Concord, NH.
Tobacco License #6253.
Licensed under RSA 126-K:4.
Cited for violation of RSA 126-K:4.
Compliance Check: January 31, 2009.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED.

8. NEW LICENSES:

- a. Elm City Brewing Company, Ltd., 222 West Street Unit 46, Keene, NH 03431.
To be issued a Beer Festival Beverage and Specialty Beer License #8514 for February 17, 2009 pursuant to RSA 178:30.
Recommendation: Approval.
COMMISSION APPROVED.

9. REQUESTS FOR SOLICITORS/REPRESENTATIVE AND DIRECT SHIPPER APPLICATION:

- a. Amoskeag Beverage, LLC,
510 Hall Street, Bow, NH 03304.
Wholesale Distributor Off-Premise Beverage Application - RSA 178:16.
To be licensed under License #283620.
Recommendation: Approval.
COMMISSION APPROVED.
- b. AUSA Pacific, LLC,
3047 Lenoir Street, Las Vegas, NV 89135.
Liquor/Wine Vendor Off-Premise Wine/Liquor Application - RSA 178:9.
To be licensed under License #994145.
Recommendation: Approval.
COMMISSION APPROVED.
- c. Caldwell Winery, LLC,
270 Kreuzer Lane, Napa, CA 94559.
To be issued Direct Shipper License #8142633 pursuant to RSA 178: 27.
Recommendation: Approval.
COMMISSION APPROVED.
- d. Carolyn & Paul Harris DBA Chuparosa Vineyards,
910 Gem Lane, Ramona, CA 92065.
To be issued Direct Shipper License #8141533 pursuant to RSA 178: 27.
Recommendation: Approval.
COMMISSION APPROVED.
- e. Chamisal Vineyards, LLC DBA Domaine Alfred,
7525 Orcutt Road, San Luis Obispo, CA 93401.
To be issued Direct Shipper License #8142733 pursuant to RSA 178: 27.
Recommendation: Approval.
COMMISSION APPROVED.
- f. Chapel Hill Wine Company,
2809 Homestead Road, Chapel Hill, NC 27516.
To be issued Direct Shipper License #8142433 pursuant to RSA 178: 27.
Recommendation: Approval.
COMMISSION APPROVED.
- g. Diageo Chateau & Estate Wines Company DBA Rosenblum Cellars,
2900 Main Street, Suite 1100, Alameda, CA 94501.
To be issued Direct Shipper License #8142133 pursuant to RSA 178: 27.
Recommendation: Approval.
COMMISSION APPROVED.
- h. Dorset Farms, Inc. DBA The Lenz Winery,
Main Road, Route 25, Peconic, NY 11958.
To be issued Direct Shipper License #8142533 pursuant to RSA 178: 27.
Recommendation: Approval.
COMMISSION APPROVED.
- i. Hightower Cellar, LLC,
19418 East 583 PR NE, Benton City, WA 99320.
To be issued Direct Shipper License #8141733 pursuant to RSA 178: 27.
Recommendation: Approval.
COMMISSION APPROVED.

February 18, 2009 Enforcement Minutes

- j. Opolo Vineyards, Inc.,
7110 Vineyard Drive, Paso Robles, CA 93446.
To be issued Direct Shipper License #8142033 pursuant to RSA 178: 27.
Recommendation: Approval.
COMMISSION APPROVED.
- k. PDB Corporation DBA Pena Ridge Wines,
435 West Dry Creek Road, Healdsburg, CA 95448.
To be issued Direct Shipper License #8141433 pursuant to RSA 178: 27.
Recommendation: Approval.
COMMISSION APPROVED.
- l. Palomar Enterprises, Inc. DBA Holiday Wine Cellar,
302 West Mission Avenue, Escondido, CA 92025.
To be issued Direct Shipper License #8141633 pursuant to RSA 178: 27.
Recommendation: Approval.
COMMISSION APPROVED.
- m. Eugene and Joseph Perata DBA Fratelli Perata,
1595 Arbor Road, Paso Robles, CA 93446.
To be issued Direct Shipper License #8141833 pursuant to RSA 178: 27.
Recommendation: Approval.
COMMISSION APPROVED.
- n. RH II, Inc. DBA The Wine & Cheese Place,
9755 Manchester Road, St. Louis, MO 63119.
To be issued Direct Shipper License #8141933 pursuant to RSA 178: 27.
Recommendation: Approval.
COMMISSION APPROVED.
- o. Jason Russ DBA Fox Hill Meadery,
33 Selby Court, Marshall, NC 28753.
To be issued Direct Shipper License #8142233 pursuant to RSA 178: 27.
Recommendation: Approval.
COMMISSION APPROVED.
- p. White Cottage Ranch, LLC,
555 College Avenue, Angwin, CA 94508.
To be issued Direct Shipper License #8142333 pursuant to RSA 178: 27.
Recommendation: Approval.
COMMISSION APPROVED.

10. PETITIONS FOR COMMISSION APPROVAL:

- a. Boston Culinary Group, Inc.,
719 Cherry Valley Road, Gilford, NH 03249.
Sports Recreation Facility On-Premise Cocktail Lounge License #572305.
Licensed pursuant to RSA 178:22, V(v).
Requests approval for an outside area, to wit, fenced outside area on
February 14 through March 8, 2009, March 14 & 15, 2009, March 21 & 22, 2009,
March 28 & 29, 2009 and April 4 & 5, 2009 sanctioned off appropriately
pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.
COMMISSION APPROVED.
- b. DeFraga-Connor, LLC DBA Elsa's White Mountain Tavern,
3465 White Mountain Highway, North Conway, NH 03860.
Restaurant On-Premise Cocktail Lounge License #1374803.
Licensed pursuant to RSA 178:22, V(q).
Requests approval for an outside area, to wit, a porch and second
floor outside deck sanctioned off appropriately pursuant to RSA 178:24 and
Liq. 404.05.
Recommendation: Approval.
COMMISSION APPROVED.

February 18, 2009 Enforcement Minutes

- c. Shaw's Supermarket, Inc.,
250 Parkcenter Boulevard, Boise, ID 83706.
Combination Off-Premise Beverage/Wine License #3032647.
Licensed pursuant to RSA 178:18.
Requests approval for authorization to transfer beer and wine products to another licensed premise, to wit, close the current Gorham, NH business on February 25, 2009 then transfer the beer and wine products to License #3069847, Shaw's Supermarket, Inc. at 625 Meadow Street, Littleton, NH, #3053947, 1400 Lake Shore Drive, Gilford, NH, #715147 and 1150 Eastman Road, Conway, NH to be pursuant to RSA 178:29, VIII.
Recommendation: Approval.
COMMISSION APPROVED.
- d. Stolper Enterprise, LLC DBA The Stockpot,
53 Bow Street, Portsmouth, NH 03801.
Restaurant On-Premise Cocktail Lounge License #1097203.
Licensed pursuant to RSA 178:22, V(q).
Requests a waiver of RSA 178:22, V(q) for authorization of reduction of hours, to wit, to close the dining area operation at 8:00 pm instead of 9:00 pm and extend the cocktail lounge to that area Sunday through Thursday.
Recommendation: Approval.
COMMISSION APPROVED.

11. COMMISSION DECISIONS PENDING:

- a. Haluwa Restaurant, 44 Gusabel Avenue, Nashua, NH.
Restaurant Full Service With Lounge License #416503.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.
Date of violation: January 11, 2008.
Hearing date: February 25, 2008.
Commission Decision dated March 14, 2008: An Administrative fine of \$1,000, four (4) points assessed to the liquor license, and the license to sell alcoholic beverages suspended for three (3) consecutive days.
The Licensee filed a Motion for Re-hearing on April 8, 2008.
The Bureau of Enforcement filed an Objection to Motion for Re-hearing on May 6, 2008.
- b. Henniker Junction Restaurant, 24 Weare Road, Henniker, NH.
Restaurant Full Service With Lounge License #1167803.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:50, II - did allow the premise to be used for any purpose that was contrary to law.
Date of violation: February 7, 2008.
Hearing date: April 23, 2008.
- c. C & K Restaurant, 3 East Broadway Street, Derry, NH.
Restaurant Beverage and Liquor License #256803.
Licensed under RSA 178:21, II(a)(1).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an underage person during a compliance check.
Date of violation: May 30, 2008.
Hearing date: July 22, 2008.

12. COMMISSION DECISIONS AFTER HEARING:

- a. Hanson St. Grill, 19 Hanson Street, Rochester, NH.
Restaurant Full Service With Lounge License #1344303.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:5, I - did sell alcoholic beverage to an underage person during a compliance check.
Cited for violation of RSA 179:35 - failed to make invoices, sales slips and delivery slips, current and covering a period of sixty (60) days prior to the current date pertaining to purchases of beverages and liquor on the premises or be readily available for examination by the Commission or its liquor investigators.
Date of violations: November 21, 2008.
Case #s: 08-791-OF and 08-793-OF.
Hearing date: February 17, 2009.
COMMISSION IMPOSED A VERBAL WARNING.

13. MISCELLANEOUS ITEMS:

- a. Questions from Auditing regarding the collection of taxes at NH wineries as follows:

1. 5 % tax on all retail sales at the winery and farmer's markets.
2. 5% tax on wholesale sales to NH Licensees for resale.

Taxes are not being collected on sales to the NH Liquor Commission, on sales to out-of-state vendors, and on product used for tasting at the winery. Is this correct based on your reading of the statute?

Taxes are being collected on product used for sampling and tasting outside the winery and on products shipped directly to out-of-state consumers or retail businesses (direct shipments). Is this correct procedure as you read the law?

Does this agree with your reading of the winery statute or are there are areas of concern? I am requesting a review due to the increase in direct shipments to out-of-state individuals and businesses which are outside the normal wholesale channels.

TABLED BY THE COMMISSION ON MAY 28, 2008 UNTIL CHAIRMAN BODI IS AVAILABLE FOR DISCUSSION.

COMMISSION APPROVED THE REMOVAL OF THIS ITEM FROM THE AGENDA.

- b. Chateau Potelle Holdings, LLC,
975 Washington Street, Napa, CA 94559.
Direct Shipper: Permit Application - RSA 178:27.
Recommendation: **To Be Discussed.**
COMMISSION DENIED.

14. EXECUTIVE SESSION ITEMS: